

**BEFORE THE
TENNESSEE REGULATORY AUTHORITY**

In Re:)
)
Petition for Arbitration of ITC^DeltaCom) Docket No. 03-00119
Communications, Inc. with BellSouth -)
Telecommunications, Inc. Pursuant to the)
Telecommunications Act of 1996)

**ITC^DELTA COM COMMUNICATIONS, INC.'S
RESPONSES TO BELL SOUTH'S FIRST INTERROGATORIES
AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

ITC^DeltaCom Communications, Inc. ("ITC^DeltaCom") hereby submits the following responses to the First Interrogatories and First Request for Production of Documents of BellSouth Telecommunications, Inc. ("BellSouth") filed in this docket on June 12, 2003. To the extent not restated herein, ITC^DeltaCom reincorporates its objections to BellSouth's discovery as filed previously in this docket.

RESPONSES

INTERROGATORY NO. 1:

For each switch that is used by or on behalf of DeltaCom to provide service to DeltaCom's end users at locations in the State of Tennessee, please:

- (a) describe the switch (including the manufacturer of the switch and the model of the switch);
- (b) identify the person or entity that owns, operates, and/or maintains the switch;
- (c) identify the building (including without limitation the address of the building) in which the switch is located;
- (d) state the total number of access lines (or equivalents thereof) providing service to DeltaCom end users in the State of Tennessee that are served by the switch;
- (e) provide a list of addresses of the end user locations in the State of Tennessee that are served by the switch; and

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- (f) state the total number of access lines (or equivalent thereof) served at each such address.

RESPONSE:

ITC^DeltaCom objects to this Interrogatory including all subparts on the ground that it seeks information regarding Issue No. 39 (tandem switching), which has been settled by the parties.

ITC^DeltaCom further objects on the grounds that this Interrogatory is unduly burdensome and seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 2:

For each switch identified in your response to Interrogatory No.1, please state:

- (a) whether the switch is capable of performing local switching functionality;
- (b) the extent to which the switch has been used or is being used to perform local switching functionality by or on behalf of DeltaCom for access lines (or the equivalents thereof) serving DeltaCom end users as of the end of year 1999, end of year 2000, end of year 2001, end of year 2002, and the most recently available data for 2003;
- (c) the extent to which the switch has been used or is being used to perform local switching functionality by or on behalf of DeltaCom for access lines (or the equivalents thereof) serving the end users of any other carrier as of the end of year 1999, end of year 2000, end of year 2001, end of year 2002, and the most recently available data for 2003.

RESPONSE:

ITC^DeltaCom objects to this Interrogatory including all subparts on the ground that it seeks information regarding Issue No. 39 (tandem switching), which has been settled by the parties.

ITC^DeltaCom further objects on the grounds that this Interrogatory is unduly burdensome and seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to

lead to the discovery of admissible evidence. Regarding subpart (b), ITC^DeltaCom further objects to the extent that ITC^DeltaCom does not compile the information sought in the manner requested.

INTERROGATORY NO. 3:

Does DeltaCom contend that the switch(es) described in your response to Interrogatory No.1 serve a comparable geographic area to BellSouth's tandem switches in the State of Tennessee? If so, please state all facts, identify all documents, and identify all persons who can support this contention.

RESPONSE:

ITC^DeltaCom objects to this Interrogatory on the ground that it seeks information regarding Issue No. 39 (tandem switching), which has been settled by the parties. ITC^DeltaCom further objects on the grounds that this Interrogatory is unduly burdensome and seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 4:

Has any state Commission found that one or more of DeltaCom's switch(es) in that state serve a comparable geographic area to an Incumbent Local Exchange Carrier's tandem switch(es) in that state? If so, please identify each such state Commission, identify the proceeding in which the state Commission made such a finding (including the case name, docket number, and date the case was filed), and identify any orders the state Commission issued that include the finding.

RESPONSE:

ITC^DeltaCom objects to this Interrogatory on the ground that it seeks information regarding Issue No. 39 (tandem switching), which has been settled by the parties. ITC^DeltaCom further objects on the grounds that this Interrogatory request information that is publicity available to BellSouth. ITC^DeltaCom should not be required to conduct legal research at the direction of

BellSouth. BellSouth is well positioned to research the decisions of other state regulators if it thinks such research will be of value.

INTERROGATORY NO. 5:

Has DeltaCom requested that any State Commission determine whether DeltaCom is entitled to reciprocal compensation at the tandem interconnection rate? If so, please identify each such state Commission, identify the proceeding in which DeltaCom asked the state Commission to make the determination (including the case name, docket number, and date the case was filed), identify any orders the state Commission issued that address the request, and describe with particularity the state Commission's resolution of the request. Moreover, ITC^DeltaCom further objects .

RESPONSE:

ITC^DeltaCom objects to this Interrogatory on the ground that it seeks information regarding Issue No. 39 (tandem switching), which has been settled by the parties. ITC^DeltaCom further objects on the grounds that this Interrogatory is unduly burdensome and seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. Moreover, ITC^DeltaCom further objects on the grounds that this Interrogatory request information that is publicity available to BellSouth. ITC^DeltaCom should not be required to conduct legal research at the direction of BellSouth. BellSouth is well positioned to research the decisions of other state regulation if it thinks such research will be of value.

INTERROGATORY NO. 6:

Please explain in detail (using illustrative diagrams to the extent possible) the circumstances under which DeltaCom proposes to charge BellSouth the tandem- switching rate. For each set of circumstances identified, please state the total amount DeltaCom proposes to charge BellSouth and describe in detail how such amount was calculated (including, without limitation, the identification of any rate elements from set forth in the Interconnection Agreement used to calculate the amount) .

RESPONSE:

ITC^DeltaCom objects to this Interrogatory on the ground that it seeks information regarding Issue No. 39 (tandem switching), which has been settled by the parties. ITC^DeltaCom further objects on the grounds that this Interrogatory is unduly burdensome and seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 7:

Please state the total number of access lines (or equivalents thereof) by which DeltaCom was providing local exchange service(s) to: (a) residential end users located in Tennessee; and (b) business end users located in Tennessee as of the following dates: end of year 1999; end of year 2000, end of year 2001, end of year 2002, and the most recently available data for 2003.

RESPONSE:

ITC^DeltaCom objects to this Interrogatory on the ground that it seeks information regarding Issue No. 39 (tandem switching), which has been settled by the parties. ITC^DeltaCom further objects on the grounds that this Interrogatory is unduly burdensome, seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence, and seeks highly confidential and proprietary information that cannot be adequately protected by a confidentiality agreement between the parties.

INTERROGATORY NO. 8:

Please state the total revenue DeltaCom received from the access lines identified in your response to Interrogatory No.7.

RESPONSE:

ITC^DeltaCom objects to this Interrogatory on the ground that it seeks information regarding Issue No. 39 (tandem switching), which has been settled by the parties. ITC^DeltaCom further objects on the grounds that this Interrogatory is unduly burdensome, seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence, and seeks highly confidential and proprietary information that cannot be adequately protected by a confidentiality agreement between the parties.

INTERROGATORY NO. 9:

Please state the total number of access lines (or equivalents thereof) by which DeltaCom was providing local exchange service(s) to: (a) residential end users located in UNE Zone 1, UNE Zone 2, and UNE Zone 3 in Tennessee; and (b) business end users located in UNE Zone 1, UNE Zone 2, and UNE Zone 3 in Tennessee as of the following dates: end of year 1999; end of year 2000, end of year 2001, end of year 2002, and the most recently available data for 2003.

RESPONSE:

ITC^DeltaCom objects on the grounds that this Interrogatory is unduly burdensome, seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence, and seeks highly confidential and proprietary information that cannot be adequately protected by a confidentiality agreement between the parties. ITC^DeltaCom further objects on the ground that it does not have the information sought in the format requested. ITC^DeltaCom does not maintain access line counts by zone.

INTERROGATORY NO. 10:

Please state the total revenue DeltaCom received from the access lines identified in your response to Interrogatory No.9.

RESPONSE:

ITC^DeltaCom objects on the grounds that this Interrogatory is unduly burdensome, seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence, and seeks highly confidential and proprietary information that cannot be adequately protected by a confidentiality agreement between the parties. ITC^DeltaCom further objects on the ground that it does not have the information sought in the format requested.

INTERROGATORY NO. 11:

As of end of year 1999, end of year 2000, end of year 2001, end of year 2002, and the most recently available date for 2003, please identify with specificity any and all transport facilities (other than BellSouth transport facilities) that are used to carry traffic associated with DeltaCom's end users or DeltaCom's wholesale customers located in the State of Tennessee. For each such facility, please identify:

- (a) the originating and terminating point of the facility;
- (b) the person(s) and/or entity(s) that own, operate, and/or maintain the facility;
- (c) the terms and conditions of any contract or other arrangement by which the facility is used to carry traffic associated with DeltaCom end users located in the State of Tennessee; and (d) the type of traffic associated with DeltaCom end users located in the State of Tennessee that is carried over the facility (i.e. local, intraLATA, interLATA, interstate, voice, data, etc.).

RESPONSE:

ITC^DeltaCom objects on the grounds that this Interrogatory is unduly burdensome, seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence, and seeks highly confidential and proprietary information that cannot be adequately protected by a confidentiality agreement between the parties.

INTERROGATORY NO. 12:

Please identify each instance in which DeltaCom contends that BellSouth has conducted an audit under any interconnection agreement to which DeltaCom is or was a party. In doing so, please describe the nature of the audit, the scope of the audit, the results of the audit, and the amount of audit-related costs (if any) that DeltaCom was asked to reimburse to BellSouth.

RESPONSE:

BellSouth has demanded an audit for those special access loops converted to extended loops (EELs). It is ITC^DeltaCom's understanding that BellSouth also seeks to apply the safe harbors to combinations of loops and transport that were ordered as unbundled network elements and audit those combinations as well. See DOCKET NO. 02-01203.

INTERROGATORY NO. 13:

Please identify with specificity each and every instance in which BellSouth purportedly has shut down OSS systems during normal working hours without consent from the CLECs.

RESPONSE:

ITC^DeltaCom believes that this information is uniquely available to BellSouth. However, without waiving its objections, ITC^DeltaCom provides as follows: ITC^DeltaCom did not track each and every instance in which BellSouth shut down OSS systems during normal working hours without the consent of CLECs prior to 2002. It would appear that such a trend existed in 2002. First Carrier Notification SN91082957 extends the downtime by one hour, then in September Carrier notice SN 91083330 extends the EDI down time by five hours, finally in December as indicated in direct testimony, systems were down during normal business hours. This indicates a trend toward extended down times. Also, given the number of coding defects, emergency maintenance releases, and other similar experiences. the potential for further outages during normal working hours is high.

INTERROGATORY NO. 14:

For the purpose of this interrogatory, please assume that: (1) BellSouth is providing local exchange service to an end user over an IDLC loop; (2) DeltaCom wins the local exchange business of that end user; and (3) upon the end user's conversion from BellSouth to DeltaCom, an entity other than BellSouth will be providing the local switching functionality with regard to this loop. Does DeltaCom contend that it is possible - without additional analog to digital conversions - for BellSouth to provide the same IDLC loop to DeltaCom on an unbundled basis without running the IDLC loop through BellSouth's switch using the "hair-pin" or "side-door" capability as currently utilized (when possible) by BellSouth?

RESPONSE:

Notwithstanding its objections, ITC^DeltaCom seeks to obtain a loop that is equivalent to the loop BellSouth provided to its retail customer and connect that loop to ITC^DeltaCom's facilities. BellSouth is required by 47 CFR 51.311 to provide an equivalent loop where technically feasible. To the extent, BellSouth proves that it is not technically feasible to provide an equivalent unbundled loop then ITC^DeltaCom is impaired. Based upon BellSouth's "white paper" and its representations, it appears that the only way to avoid additional analog to digital conversions is for BellSouth to provide an unbundled loop in combination with its unbundled switching. It is ITC^DeltaCom's understanding from BellSouth's "white paper" that even the side door or "hairpin" methodology is not feasible or practical. Therefore, the only method for delivering service at parity is through a combination of the unbundled loop, port and switching (UNEP).

INTERROGATORY NO. 15:

If your answer to Interrogatory No. 14 is anything other than an unqualified "no," please explain in detail (using illustrative diagrams to the extent possible) exactly how - without additional analog to digital conversions - it is possible for BellSouth to provide the same IDLC loop to DeltaCom on an unbundled basis without running the IDLC loop through BellSouth's switch using the "hair-pin" or "side-door" capability as currently utilized by BellSouth when possible.

RESPONSE:

Without access to BellSouth proprietary data, ITC^DeltaCom does not know what discussions, design (software and hardware) and directions BellSouth has with switch vendors and has not demonstrated that it is not technically feasible to provide a loop at parity.

INTERROGATORY NO. 16:

Please identify each and every person or entity that is actually using the methods or procedures set forth in your response to Interrogatory No. 15 and describe any tests (including the results thereof) that have been performed regarding the methods or procedures set forth in your response to Interrogatory No. 15.

RESPONSE:

See response to Interrogatory No. 15.

INTERROGATORY NO. 17:

Has DeltaCom responded to BellSouth's "white paper" regarding cooperative technology testing (this "white paper" was attached as Exhibit WKM-1 to the prefiled testimony of BellSouth witness Keith Milner in the Alabama arbitration proceedings)?

RESPONSE:

Yes. One response is included in the testimony of Mr. Steve Brownworth filed in Alabama, Georgia, North Carolina and Florida.

INTERROGATORY NO. 18:

If your response to Interrogatory No. 17 is anything other than an unqualified "no," please describe in detail the date, time, and manner in which DeltaCom responded to the referenced document, identify all documents that set forth DeltaCom's response, and explain in detail the substance of DeltaCom's response.

RESPONSE:

See response to Interrogatory 17 above. BellSouth is required to provide the loop in combination with unbundled switching in order to meet the parity requirements of the Act. If it is not technically feasible to provide a loop equivalent in quality to that which BellSouth provides to itself, then DeltaCom is impaired.

INTERROGATORY NO. 19:

To the extent that DeltaCom disagrees with any of BellSouth's findings as set forth in the "white paper" described in Interrogatory No. 17, please identify each finding with which DeltaCom disagrees, explain with specificity the basis for DeltaCom's disagreement, and identify any documents that set forth or support the basis for DeltaCom's disagreement.

RESPONSE:

The BellSouth "white paper" shows that ITC^DeltaCom is impaired if it demonstrates that BellSouth cannot provide a loop that is at parity with that which BellSouth provides its own customers. Furthermore, BellSouth offers no schedule by which it will provide an IDLC loop at parity.

With regard to each finding, we note the following:

1. BellSouth states "the trial was not successful." BellSouth suggests that the review of only 2 residential customers in Anniston, AL is sufficient to conclude there is nothing they can do on the IDLC provisioning options anywhere in its region. BellSouth also mentions the shortcomings of the equipment of Nortel and Lucent but BellSouth did not, based on the "white paper", consult with these vendors or include them in the solution process. A review of 2 residential customers in Anniston, Alabama is not a thorough test.

The fact that BellSouth did not extensively consult its equipment and switch vendors indicates that BellSouth did not diligently seek a technical resolution.

2. When BellSouth deploys Next Generation Digital Loop Carriers (NGDLC), they do not have the OAM&P processes in place to extract the DS0 loop. As BellSouth deploys new technology, CLECs may be impaired.
3. BellSouth mentions that " We recognized, going into this trial, that it would be expensive." ITC^DeltaCom was not aware that the expense would limit the trial or the suggestions of a solution. BellSouth has not stated the expense of the trial.
4. BellSouth is now indicating that 2 of the 4 options that it requires in the interconnection agreement are not viable. BellSouth states that hairpinning and use of the digital cross-connect systems DCS are not viable. Accepting this as fact, ITC^DeltaCom's ability to provide service at parity is impaired.

INTERROGATORY NO. 20:

As of end of year 1999, end of year 2000, end of year 2001, end of year 2002, and the most recently available date for 2003, please identify the number of DeltaCom employees who reside in the state of Tennessee and/or that perform the majority of their work on behalf of DeltaCom in the state of Tennessee.

RESPONSE:

ITC^DeltaCom objects to this Interrogatory on the ground that it seeks information that is not relevant to any issue in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence. ITC^DeltaCom does not separate employees time by state.

INTERROGATORY NO. 21:

As of end of year 1999, end of year 2000, end of year 2001, end of year 2002, and the most recently available date for 2003, please identify the total value of DeltaCom's plant, facilities, and equipment in the state of Tennessee.

RESPONSE:

ITC^DeltaCom objects to this interrogatory to the extent it is related to a settled issue. Further, it is not relevant to any remaining arbitration issue. Additionally, the requested information is confidential and proprietary.

INTERROGATORY NO. 22:

Issue 1 states as follows: Term of the Agreement (GTC - Section 2.1 ;2.3 - 2.6):

- a) Should the parties continue to operate under the TRA-approved interconnection agreement pending the TRA's ruling on the arbitration?
- b) If so, what should be the length of the term of the agreement resulting from this arbitration?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

- a) Notwithstanding its objections, ITC^DeltaCom states that all of ITC^DeltaCom's interconnection agreements provide that the existing rates, terms and conditions continue pending a decision from the Commission on an Arbitration Petition filed pursuant to Section 252 of the Telecommunications Act of 1996. All of ITC^DeltaCom's previous interconnection agreements in Tennessee with BellSouth provided that the existing rates, terms and conditions continue pending a decision from the TRA. The TRA has approved numerous interconnection agreements that contain this provision. As set forth in Mr. Watts testimony, ITC^DeltaCom should not be forced to move to BellSouth's standard agreement pending a ruling from the TRA on an arbitration petition. Regarding the length of the term of the agreement, see Mr. Watts testimony, the Arbitration Petition, the current agreement, and the Issue Matrix.
- b) Notwithstanding its objections, ITC^DeltaCom notes that the TRA has authority pursuant to the Telecommunications Act of 1996 to arbitrate and approve interconnection agreements. The TRA has approved the process whereby the interconnection agreement shall continue in effect pending the decision of the TRA in an arbitration when it approved ITC^DeltaCom and BellSouth's interconnection agreements. Regarding the term of the agreement, the TRA has authority pursuant to the Telecommunications Act of 1996 to establish a reasonable time period for the interconnection agreement.
- c) See response to (b) above.
- d) In the event that BellSouth and ITC^DeltaCom seek arbitration pursuant to the provisions of the Telecommunications Act of 1996, ITC^DeltaCom seeks to continue under the rates, terms and conditions of the interconnection agreement approved by the TRA until

the TRA renders a decision in the arbitration. Consistent with previous TRA orders, ITC^DeltaCom seeks to keep the same language it has today in its interconnection agreement. Additionally, ITC^DeltaCom seeks a five-year term for its interconnection agreement as it is time-consuming, costly and resource intensive to arbitrate every two to three years.

INTERROGATORY NO. 23:

Issue 2 states as follows: Directory Listings (GTC - Section 4; Attachment 6 - Section 2.2.2);

- a) Is BellSouth required to provide DeltaCom the same directory listing language it provides to AT&T?
- b) Is BellSouth required to provide an electronic feed of the directory listings of DeltaCom customers?
- c) Does DeltaCom have the right to review and edit its customers' directory listings?
- d) Should there be a credit or PMAP measure for accuracy of directory listings and, if so, what should the credit or PMAP measure?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

- a) Notwithstanding its objections, see testimony of Ms. Conquest, the Arbitration Petition, and Matrix. Pursuant to 47 CFR 51.809 (a), BellSouth shall make available without unreasonable delay to any requesting telecommunications carrier any individual interconnection, service, or network element arrangement contained in any agreement to which it is a party that is approved by a state commission pursuant to Section 252 of the Act, upon the same rates, terms, and conditions as those provided in the agreement. See also, Section 271 of the Telecommunications Act of 1996.
- b) See response to (a) above. Furthermore, BellSouth is required to provide access to directory listing information under the Code of Federal Regulations. (47 CFR §51)
- c) See response to (b).
- d) ITC^DeltaCom seeks directory listing language contained in the AT&T agreement and a feed of the directory listings of ITC^DeltaCom customers such that ITC^DeltaCom can review the listings prior to BellSouth sending to BAPCO for publishing. Further, ITC^DeltaCom seeks a performance measure for the accuracy of directory listings.

INTERROGATORY NO. 24:

Issue 6 states as follows: Facility Check Information (Attachment 6 - Sections 1.7 and 4.4):

Should BellSouth be required to provide to DeltaCom facility check information electronically in the same manner it does to BellSouth's retail operations?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;

- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects to this interrogatory on the grounds that this relates to a closed issue.

Facility Check is provided by BellSouth in Tennessee pursuant to a previous order.

INTERROGATORY NO. 25.

Issue 8 states as follows: Universal or Integrated Digital Loop Carrier ("UDLC/IDLC") Technology (Attachment 2 - Section 3.1):

Should BellSouth be required to provide an unbundled loop using IDLC technology to DeltaCom which will allow DeltaCom to provide consumers the same quality of service (i.e., no additional analog to digital conversions) as that offered by BellSouth to its customers?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.

- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

Support includes the following:

- a) See testimony of Mr. Brownworth, Arbitration Petition and Matrix.
- b) See FCC Local Competition Order in Docket No. CC 96-98 released August 1, 1996, 47 CFR 51.311 and Order Issued by the TRA in Docket No. 99-00430.
- c) See response to (b) above.
- d) ITC^DeltaCom seeks to include language in its interconnection agreement that requires BellSouth to provide the same quality of loop to ITC^DeltaCom that BellSouth provided to its retail customer. To the extent that BellSouth can prove it is not technically feasible for BellSouth to provide the same quality of loop to ITC^DeltaCom that BellSouth provided on its own behalf, ITC^DeltaCom is impaired. In such circumstances, as long as BellSouth is directed to diligently pursue a technical solution, ITC^DeltaCom will accept UNE-P until a technical solution is found.

INTERROGATORY NO. 26:

Issue 9 states as follows: OSS Interfaces (Attachment 6 - Section 3.2):

Should BellSouth be required to provide interfaces for OSS to DeltaCom which have functions equal to that provided by BellSouth to BellSouth's retail division?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;

- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

- a) See testimony of Ms. Conquest, Arbitration Petition, and Matrix.
- b) Telecommunications Act of 1996 and Local Competition Order CC Docket No. 96-98.
- c) See response to b above.
- d) ITC^DeltaCom seeks to include its proposed language in the interconnection agreement.

INTERROGATORY NO. 27:

Issue 11 states as follows: Access to UNEs (Attachment 2 - Sections 1.1, 1.4 *and* 1.10):

- a) Should the interconnection agreement specify that the rates, terms *and* conditions of the network elements and combinations of network elements are compliant with state and federal rules and regulations?
- b) Must all network elements be delivered to DeltaCom's collocation arrangement?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.

- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

- a) See testimony of Mr. Watts and Mr. Brownworth, the Arbitration Petition and Matrix.
- b) Telecommunications Act of 1996 and more generally the TRA rules and regulations. See also, the FCC's UNE Decision, CC Docket No. 96-98 , FCC 99-238 released November 5, 1999 as to which UNEs are available at any technically feasible point.
- c) See response to (b) above.
- d) ITC^DeltaCom seeks language in its interconnection agreement that BellSouth will provide UNEs and related services in accordance with state and federal law.

ITC^DeltaCom also seeks to have the language it proposed adopted by the TRA;

ITC^DeltaCom's proposed language would remove the requirement that any UNE has to be delivered to ITC^DeltaCom's collocation site but would state that the UNE will be provided in accordance with state and federal regulations.

INTERROGATORY NO. 28:

Issue 13 states as follows: Testing of UNEs (Attachment 6 - Section 4.6.23):

- b) Should the parties be required to perform cooperative testing within two hours of a request from the other party?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects to this interrogatory on the ground that Issue No. 13 has been settled.

INTERROGATORY NO. 29:

Issue 15 states as follows: DADAS (Attachment 2 - Section 13.6.1):

Should the rates, terms and conditions for DADAS be included in the interconnection agreement?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects to this Interrogatory on the ground that Issue No. 15 has been settled.

INTERROGATORY NO. 30:

Issue 18 states as follows: Testing of NXXs. Call Forwarding Variable and Remote Access to Call Forwarding Variable (Attachment 2 - Section 9.2.5.1; Attachment 6 - Section XX):

- a. Should DeltaCom have access to call forwarding variable and remote access to call forwarding variable when testing whether NXXs are being correctly translated in the BellSouth network?
- b. If so, what rates should apply?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects to this interrogatory on the ground that Issue No. 18 has been settled.

INTERROGATORY NO. 31:

Issue 20 states as follows: SS7 (Attachment 2 - Section 16.1.3.2);

- b) Should BellSouth meet DeltaCom at the central office in the DeltaCom serving wire center?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

- a) See testimony of Mr. Brownworth, Arbitration Petition and Matrix.
- b) Notwithstanding its objections and without limitation, ITC^DeltaCom is not aware of any order or regulation that directly addresses this issue. ITC^DeltaCom is aware that BellSouth submitted an interconnection agreement to the TRA for approval that allows a CLEC (AT&T) to select the SPOI and shares the costs of the transport facilities. To the extent the TRA issued an order approving the BellSouth/AT&T interconnection agreement, ITC^DeltaCom believes that order would be supportive of ITC^DeltaCom's position.
- c) See response to (b) above.

- d) ITC^DeltaCom seeks language that would require BellSouth to share the cost of transport facilities, and ITC^DeltaCom has proposed the AT&T/BellSouth language on the selection of the SPOI and treatment of cost as a compromise.

INTERROGATORY NO. 32:

Issue 21 states as follows: Dark Fiber Availability (Attachment 2 - Section 8.1.1):

Does BellSouth have to make available to DeltaCom dark fiber loops and transport at any technically feasible point?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

The Act requires BellSouth to provide for interconnection "at any technically feasible point within the carrier's network." 47 U.S.C. § 251(c)(2)(B). NewSouth, in its Agreement with BellSouth, has language that clearly states that BellSouth must provide Dark Fiber at any technically feasible point. That agreement has been approved. ITC^DeltaCom seeks the same language.

INTERROGATORY NO. 33:

Issue 23 states as follows: Dark Fiber Holding Period (Attachment 2 - Section 8.2.4):

Should BellSouth hold the dark fiber for DeltaCom after receiving a valid, error-free LSR?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects to this Interrogatory on the ground that Issue 23 has been settled.

INTERROGATORY NO. 34:

Issue 24 states as follows: Rate and Provision of Performance Data (Attachment 2 - Sections 9.1.4.15 and 11.3.2.3):

- a) Should BellSouth be required to provide performance data for customer line, traffic characteristics and common (shared) transport?
- b) What should be the rate for Performance Data that BellSouth provides to DeltaCom regarding customer line, traffic characteristics, and other information? BellSouth be required to provide performance data for end-user customer line, traffic characteristics and common (shared) transport?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;

- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects to this Interrogatory based on the ground that Issue 24 has been settled.

INTERROGATORY NO. 35:

Issue 25 states as follows: Provision of ADSL Where DeltaCom is the UNE-P local Provider (Attachment 2 - Section 8.4):

Should BellSouth continue providing an end-user with ADSL service where DeltaCom provides UNE-P local service to that same end user on the same line?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects to this interrogatory on the grounds previously stated in the company's Objections to BellSouth's First Interrogatories.

INTERROGATORY NO. 36:

Issue 26 states as follows: Local Switching - line Cap and Other Restrictions (Attachment 2 - Sections 9.1.3.2 and 9.1.2):

- a) Is the line cap on local switching in certain designated MSAs only for a particular customer at a particular location?
- b) Should the Agreement include language that prevents BellSouth from imposing restrictions on DeltaCom's use of local switching?
- c) Is BellSouth required to provide local switching at market rates where BellSouth is not required to provide local switching as a UNE?
- d) What should be the market rate?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

- a) See testimony of Mr. Watts, Arbitration Petition, and Matrix.

- b) Notwithstanding its objections and without limitation, the FCC's UNE Decision in Docket No.96-98, and the TRA's approval of the ITC^DeltaCom/BellSouth interconnection agreement in Docket No. 99-00430.
- c) The FCC's UNE Decision, the existing interconnection agreement language, and the Florida AT&T/BellSouth arbitration decision.
- d) ITC^DeltaCom seeks to continue to its existing language regarding local switching. Specifically, the current agreement provides that there is no aggregation of lines and ITC^DeltaCom seeks an affirmative requirement that BellSouth will not impede ITC^DeltaCom's use of unbundled local switching. Furthermore, ITC^DeltaCom seeks Commission review of BellSouth's proposed "market rates."

INTERROGATORY NO. 37:

Issue 27 states as follows: Treatment of Traffic Associated with Unbundled Local Switching but Using DeltaCom's CIC (Attachment 2 - Section 9.1.7):

Should calls originated by a DeltaCom end-user or BellSouth end-user and terminated to either DeltaCom or BellSouth be treated as local if the call originates and terminates within the LATA?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects to this Interrogatory on the ground that Issue 27 has been settled.

INTERROGATORY NO. 38:

Issue 29 states as follows: AIN Triggers (Attachment 2 - Section 9.1.4.16):

Should BellSouth offer AIN triggers on a stand-alone basis via DeltaCom's interconnected STPs?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects to this Interrogatory on the ground that Issue 29 has been settled.

INTERROGATORY NO. 39:

Issue 30 states as follows: Provision of Combinations (Attachment 2 - Sections 1.3 and 1.7):

- a) Should BellSouth be required to provide combinations if they are technically feasible?
- b) Should BellSouth be required to provide DeltaCom the same conditions for network elements and combinations that BellSouth has provided to other carriers?

- c) What terms and conditions should apply to the provisions of combinations?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects on the ground this issue has been deferred by agreement of the parties.

INTERROGATORY NO. 41:

Issue 33 states as follows: Special Access Conversions to EELs (Attachment 2 - Section 10.3.1):

Can DeltaCom provide a blanket certification that refers to all three safe harbors for special access conversions?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.

- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects on the ground that this issue has been deferred by agreement of the Parties.

INTERROGATORY NO. 42:

Issue 34 states as follows: Audits (Attachment 2):

Should DeltaCom be required to reimburse BellSouth for the full cost of an audit?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects based on the grounds that the Issue is closed.

INTERROGATORY NO. 43:

Issue 36 states as follows: UNE/Special Access Combinations (Attachment 2 - Sections 10.7 and 10.9.1):

- a) Should DeltaCom be able to connect UNE loops to special access transport?
- b) Are special access services being combined with UNEs today?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects on the grounds that Issue 43 has been settled.

INTERROGATORY NO. 44:

Issue 37 states as follows: Conversion of a Special Access Loop to a UNE Loop that Terminates to DeltaCom's Collocation (Attachment 2):

Where DeltaCom has a special access loop that goes to DeltaCom's collocation space, can that special access loop be converted to a UNE loop?

RESPONSE:

- a) See Testimony of Mr. Brownworth, Arbitration Petition, and the Matrix.
- b) See Supplemental Order Docket No. 96-98..
- c) See response to (b) above.
- d) ITC^DeltaCom seeks to convert those DS1 loops connected to ITC^DeltaCom's collocation sites to UNE pricing. This is a billing change only and should not require an outage to the customer.

INTERROGATORY NO. 45:

Issue 39 states as follows: Definition and Treatment of Local Traffic and Tandem Switching (Attachment 3):

- a) Should local traffic be defined as any call that originates and terminates within the LATA, is originated by either a DeltaCom or BellSouth end-user, and is terminated to a DeltaCom or BellSouth end- user?
- b) Does DeltaCom's switch perform tandem switching?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects on the grounds that Issue has been settled.

INTERROGATORY NO. 46:

Issue 40 states as follows: Point of Interconnection ("POI~) (Attachment 3):

- a) Can a CLEC select only one POI per LATA?
- b) Should each party pay its own costs to reach that POI within the LATA?
- c) Should DeltaCom's existing POIs be grandfathered (i.e., not moved to an end office)?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects to this Interrogatory on the grounds that Issue 40 has been settled.

INTERROGATORY NO. 47:

Issue 41 states as follows: Percent Local Facilities ("PLF") (Attachment 3):

Should DeltaCom report a PLF?

RESPONSE:

ITC^DeltaCom objects to this Interrogatory on the grounds that Issue 41 has been settled.

INTERROGATORY NO. 48:

Issue 42 states as follows: Audits of **PIU/PLU** (Attachment 3):

Does a party have to pay for an audit if the reported factors are more than 20 percentage points overstated?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects to this Interrogatory based on the grounds that Issue 42 has been settled.

INTERROGATORY NO. 49:

Issue 44 states as follows: Establishment of Trunk Groups for Operator Services, Emergency Services, and Intercept (Attachment 3):

Should the interconnection agreement set forth the rates, terms and conditions for the establishment of trunk groups for operator services, emergency services, and intercept?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

- a) See Testimony of Mr. Brownworth, Arbitration Petition, and Matrix.
- b) Notwithstanding its objections and without limitation, see Section 251 of the Telecommunications Act of 1996.
- c) See response to (b) above.
- d) ITC^DeltaCom seeks language in its interconnection agreement that sets forth rates, terms and conditions for the establishment of trunk groups for operator services, emergency services, and intercept. Additionally, ITC^DeltaCom seeks to insure that its customers can be reached by BellSouth customers in an emergency or busy line verification interrupt situation.

INTERROGATORY NO. 50:

Issue 45 states as follows: Switched Access Charges Applicable to BellSouth (Attachment 3 - Section 9.2):

Should DeltaCom be able to charge BellSouth switched access charges where BellSouth is the interexchange carrier?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

- a) See Testimony of Mr. Watts, Arbitration Petition and Matrix.
- b) CLEC Access Charge Reform Order – CC Docket No. 96-262, FCC 01-146.
- c) See response to (b) above.
- d) To the extent BellSouth imposes access charges on certain calls, ITC^DeltaCom seeks to charge BellSouth access charges in those same circumstances. Where BellSouth has requested language that refers to its interstate or intrastate tariffs for the purpose of assessing access charges, ITC^DeltaCom has requested that its intrastate and interstate access tariffs also be referenced.

INTERROGATORY NO. 51:

Issue 46 states as follows: BLV/BLVI (Attachment 3):

Does BellSouth have to provide BLV/BLVI to DeltaCom consistent with the language proposed by DeltaCom?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

- a) BellSouth has not correctly stated the issue. The issue is "Does BellSouth have to provide BLV/BLVI to DeltaCom? If so, what should be the rates, terms and conditions?" The testimony of Mr. Brownworth, the Arbitration Petition, and the Matrix address this issue.
- b) Notwithstanding its objections and without limitation, Section 251 of the Telecommunications Act of 1996 requires as a general duty telecommunications carriers to interconnect with other telecommunications carriers.
- c) BellSouth's tariff provides that it will provide BLV/BLVI to all its customers there is no exclusion for BellSouth customers who call ITC^DeltaCom customers.

- d) Today there is language in the Parties' interconnection agreement that ensures the provision of Busy Line Verification and Busy Line Verification Interrupt for local calls. ITC^DeltaCom seeks to insure that it can provide BLV and BLVI to its customers for local calls. ITC^DeltaCom seeks to insure that BellSouth customers attempting to reach ITC^DeltaCom customers can receive BLVI services.

INTERROGATORY NO. 52:

Issue 47 states as follows: Compensation for the Use of DeltaCom's Collocation Space ("Reverse Collocation") (Attachment 4):

Should BellSouth be required to compensate DeltaCom when BellSouth collocates in DeltaCom's collocation space? If so, should the same rates, terms and conditions apply to BellSouth that BellSouth applies to DeltaCom?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

- a) See testimony of Mr. Brownworth, the Arbitration Petition and the Matrix.

- b) Notwithstanding its objections and without limitation, see Telecommunications Act Section 251(a) (1).
- c) See response to (b) above and case law regarding quantum Meruit.
- d) ITC^DeltaCom should not be required to provide BellSouth collocation space at no charge. ITC^DeltaCom seeks to require BellSouth to pay the same rates to ITC^DeltaCom that ITC^DeltaCom pays to BellSouth for collocation and to apply the same terms and conditions.

INTERROGATORY NO. 53:

Issue 50 states as follows: Subsequent Application Fee and Application Modification (Attachment 4 - Section 6.3.1):

Can BellSouth charge a subsequent application fee and/or other charges when no work is actually required?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects on the grounds that as it relates to Issue No. 50, this has been settled.

INTERROGATORY NO. 54:

Issue 51 states as follows: Reciprocity of Charges (OSS Charges, Expedite Charges, "Change in Service Provider or Disconnect Charges", and any other Charges) (Attachments 1, 5 and 6):

- a) Is DeltaCom entitled to assess charges to BellSouth for work performed on LSRs sent from BellSouth to DeltaCom (i.e., an ass charge)?
- b) Should DeltaCom be able to assess against BellSouth a "Change in Service Provider" charge?
- c) Should DeltaCom be able to assess charges for work or performance for BellSouth?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects to this Interrogatory based on the grounds that as it relates to Issue 51 which has been settled.

INTERROGATORY NO. 55:

Issue 53 states as follows: Rates and Charges not Ordered by the TRA (All Rate Sheets; Attachment 6 - Section 6; Attachment 2 - Section 22.3.3):

- a) Should BellSouth be permitted to impose charges related to UNEs that have not been ordered by the TRA in its recent Order in the generic docket for setting UNE rates?
- b) Should BellSouth provide rate sheets for its contracts that specifically and separately identify those rates that have been approved by the TRA from those rates that BellSouth is proposing?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects to this Interrogatory based on the grounds that Issue 53 has been settled.

INTERROGATORY NO. 56:

Issue 54 states as follows: Reimburse Costs to Accommodate Modifications (Attachment 2 - Section 2.2.2.8):

Can BellSouth impose a charge that has not been approved by the TRA for changes to an order after an FOC has been issued?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;

- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects to this Interrogatory based on the grounds that Issue 54 has been settled.

INTERROGATORY NO. 57:

Issue 55 states as follows: Resend of CFA Fee:

Is the CFA fee reasonable and cost-based?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects based on the grounds that Issue 54 has been settled.

INTERROGATORY NO. 58:

Issue 56 states as follows: Cancellation Charges:

- a) May BellSouth charge a cancellation charge which has not been approved by the TRA?
- b) Are these costs already captured in the existing UNE approved rates?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

- a) See testimony of Ms. Conquest and for states other than Tennessee, the testimony of Mr. Don Wood, the Arbitration Petition and Matrix.
- b) Notwithstanding its objections and without limitation, see TRA Order setting UNE prices at Docket No.97-01262. See also, Section 252 (d) of the Telecommunications Act of 1996 requiring that the just and reasonable rate for network elements shall be cost based

and determined by the State Commission. The cancellation charges and its calculation has not been approved by the TRA.

- c) See response to (b) above.
- d) ITC^DeltaCom believes that the cancellation charge tariffed in BellSouth's FCC interstate tariff should not be applied to unbundled network elements as it has not been reviewed as a cost based charge by the TRA. BellSouth has not provided any TELRIC studies that support the cancellation charge and its calculation.

INTERROGATORY NO. 59:

Issue 57 states as follows: Rates and Charges for Conversion of Customers from Special Access to UNE-based Service (Attachment 2 - Section 2.3.1.6):

- a) Should BellSouth be permitted to charge for DeltaCom conversions of customers from a special access loop to a UNE loop?
- b) Should the conversion be completed such that there is no disconnect and reconnect (i.e., no outage to the customer)?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

- a) See testimony of Mr. Brownworth, Arbitration Petition, and Matrix.
- b) See Supplemental Order FCC Docket No. 96-98. released November 24, 1999.
- c) See response to (b) above.
- d) ITC^DeltaCom seeks to convert those DS1 loops connected to ITC^DeltaCom's collocation site to UNE DS1 loops. This conversion should be a billing change only and not an inconvenience to the consumer. Furthermore, ITC^DeltaCom should not be charged non-recurring charges for a disconnect and a reconnect.

INTERROGATORY NO. 60:

Issue 58 states as follows: Unilateral Amendments to the Interconnection Agreement (Attachment 6 - Sections 1.8 and 1.13.2; Attachment 3):

- a) Should the Interconnection Agreement refer to BellSouth's website address to Guides such as the Jurisdictional Factor Guide?
- b) Should BellSouth be required to post rates that impact UNE services on its website?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

- a) See Testimony of Mr. Watts, Arbitration Petition, and Matrix.
- b) ITC^DeltaCom is not aware of any legal support for requiring or not requiring references to BellSouth Guides in the contract. The interconnection agreement does contain a clause that the agreement can only be modified by an amendment signed by both parties.
- c) See response to b above.
- d) BellSouth should not be provided unqualified discretion to modify Guides that they seek to reference in the contract by website address. ITC^DeltaCom would then be contractually obligated to adhere to the Guides at substantial cost and hardship to ITC^DeltaCom and its customers.

INTERROGATORY NO. 61:

Issue 59 states as follows: Payment Due Date (Attachment 7 - Sections 1.4 and 1.4.1):

Should the payment due date be thirty days from the receipt of the bill?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position

statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

- a). See testimony of Mr. Watts, the Arbitration Petition, and Matrix.
- b). ITC^DeltaCom objects on grounds that this question asks ITC^DeltaCom to conduct legal research on behalf of BellSouth.
- c). See response to (b) above.
- d). ITC^DeltaCom needs thirty days to review BellSouth's invoices. BellSouth sends the vast majority of its billing to ITC^DeltaCom electronically via Connect:Direct, yet ITC^DeltaCom is frequently given less than 25 days to review these invoices.

INTERROGATORY NO. 62:

Issue 60 states as follows: Deposits (Attachment 7 - Section 1.11):

- a) Should the deposit language be reciprocal?
- b) Must a party return a deposit after generating a good payment history?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position

statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

- a) See Testimony of Mr. Watts, the Arbitration Petition and Matrix
- b) FCC Policy Statement issued on December 23, 2002 in Docket No. WC 02-202 provides the FCC's Policy Statement. There may be other cases, statutes that are consistent with ITC^DeltaCom's position.
- c) See response to b above
- d) ITC^DeltaCom requests that the TRA approve its proposed language on deposits.

INTERROGATORY NO. 63:

Issue 61 states as follows: Method of Filing Billing Disputes (Attachment 7 - Section 3.2);

Should BellSouth use the same form and procedure for submitting a billing dispute to DeltaCom that BellSouth imposes on DeltaCom?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects based on the grounds that Issue 61 has been settled.

INTERROGATORY NO. 64:

Issue 62 states as follows: Limitation on Back Billing (Attachment 7 - Section 3.5):

What is the limit on back billing for undercharges?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

- a) See testimony of Mr. Watts, the Arbitration Petition, and the Matrix.
- b) This question improperly requests that ITC^DeltaCom conduct legal research on behalf of BellSouth.
- c) See response to (b) above.
- d) Because of BellSouth's backbilling of numerous items and its stated intention to continue to engage in backbilling for several years, ITC^DeltaCom seeks a limit to the backbilling

period. ITC^DeltaCom believes that between carriers a backbilling limit of ninety (90) days should be sufficient.

INTERROGATORY NO. 65:

Issue 63 states as follows: Audits (Attachment 7):

Is it appropriate to include language for audits of the parties' billing for services under the interconnection agreement?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

- a) See testimony of Mr. Jerry Watts, the Arbitration Petition, and the Matrix.
- b) Notwithstanding its objections and without limitation, 47 CFR 51.809(a) requires that any service be available for adoption. Billing of the unbundled network elements is a service. Thus, ITC^DeltaCom should be permitted to "pick and choose" the audit language. Furthermore, in several cases in the interconnection agreement BellSouth has sought audit rights, yet BellSouth refuses to extend this same audit right to billing services. By approving interconnection agreements with audit provisions, the TRA has

found that such provisions are not inconsistent with the Act or with state regulations are in the public interest.

- c) Notwithstanding its objections and without limitation, see response to b above.
- d) ITC^DeltaCom asks the TRA to include language that permits ITC^DeltaCom to audit BellSouth's bills. ITC^DeltaCom reviewed interconnection agreements that BellSouth has executed with other carriers and found that BellSouth had agreed to audit language with AT&T that permits AT&T to audit BellSouth's bills once every 12 months and if BellSouth has over billed AT&T, then AT&T may recoup the cost of the audit from BellSouth. With regard to other states, ITC^DeltaCom found the same audit language in the BellSouth/Sprint interconnection agreement.

INTERROGATORY NO. 66:

Issue 64 states as follows: ADUF:

What terms and conditions should apply to ADUF?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

- a) See testimony of Ms. Conquest, the Arbitration Petition, and the Matrix.
- b) The TRA order setting UNE rates in Docket No.97-01262.
- c) See response to (b).
- d) The Access Daily Usage Files are records for the billing of access. BellSouth seeks to assess this charge in instances involving local calls and in circumstances where it is using the ADUF as a mechanism to fix its billing issues. The current contract specifies that the ADUF fee applies to calls that are long distance. ITC^DeltaCom seeks to expressly state that the ADUF fee does not apply to local calls.

INTERROGATORY NO. 67:

Issue 65 states as follows: Notification of Changes to OSS and Changes of Business Rules/Practices (Attachment 6 - Sections 1 and 1.13.2):

- b) Must BellSouth be required to provide notice 60 days in advance of deployment of OSS changes that would impact DeltaCom?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.

- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects on the grounds that this issue is settled.

INTERROGATORY NO. 68:

Issue 66 states as follows: Testing of End-User Data (Attachment 6 - Section 1.3):

Should BellSouth provide testing of DeltaCom end-user data to the same extent BellSouth does such testing of its own end user data?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

- a) See Testimony of Mary Conquest, Arbitration Petition, and Matrix.
- b) Notwithstanding its objections and without limitation, the Telecommunications Act of 1996 mandates nondiscriminatory access to OSS. BellSouth is discriminating against ITC^DeltaCom as BellSouth provides end to end testing for itself.

- c) See response to (b).
- d) ITC^DeltaCom seeks the ability to test its own data just as BellSouth is able to test its data.

INTERROGATORY NO. 69:

Issue 67 states as follows: Availability of OSS Systems (Attachment 6 - Section 3.3):

May BellSouth shut down OSS systems during normal working hours (8 a.m. to 5 p.m.) without notice or consent from DeltaCom?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

- a) See Testimony of Mary Conquest, the Arbitration Petition, and Matrix.
- b) Notwithstanding its objections and without limitation, the Telecommunications Act of 1996.
- c) See response to (b).
- d) Under no circumstances should BellSouth shut down ITC^DeltaCom's access to OSS during normal working hours without notice or consent of ITC^DeltaCom.

ITC^DeltaCom schedules staff based on published hours of support. When BellSouth takes down all systems during normal business hours, ITC^DeltaCom is paying employees who have no tools to conduct customer transactions with BellSouth.

INTERROGATORY NO. 70:

Issue 69 states as follows: Inadvertent Transfer of Customers:

Should there be a process to allow a carrier to return a customer to its preferred provider in situations where the customer was inadvertently transferred to either DeltaCom or BellSouth?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects on the grounds that this issue is settled.

INTERROGATORY NO. 71:

Issue 70 states as follows: Reimbursement of Costs for Trouble Analysis and Error Resolution:

Should BellSouth reimburse DeltaCom for DeltaCom's costs where BellSouth's errors require DeltaCom to do trouble analysis and error resolution?

For each of DeltaCom's contentions with respect to this Issue, including without limitation those contentions set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority, and (3) pre-filed testimony in other state arbitrations with BellSouth,

- a. State all facts and identify all documents that support each contention;
- b. Identify all authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends supports each contention.
- c. Identify any authority (including, without limitation, federal and state statutes, federal and state agency decisions, and federal and state case law) or regulatory policy that DeltaCom contends is inconsistent with BellSouth's position.
- d. State the specific relief DeltaCom currently seeks from the Authority, including any relief that differs from that set forth in its (1) Arbitration Petition, (2) position statements in the Issues Matrices submitted to the Authority and (3) pre-filed testimony in other state arbitrations with BellSouth.

RESPONSE:

ITC^DeltaCom objects on the grounds that this issue is settled.


REQUEST FOR PRODUCTION NO. 1:

Please produce all documents that are identified in, that support, or that are otherwise related to your responses to BellSouth's First Interrogatories.

RESPONSE:

ITC^DeltaCom objects to this document request to the same extent it objected to the corresponding Interrogatories.

Respectfully Submitted,



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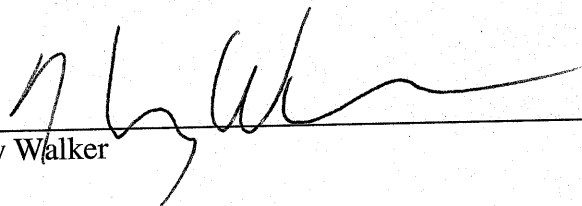
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded
via ~~U.S. Mail, postage prepaid~~, to:

hand delivery

Guy Hicks
333 Commerce Street
Suite 2101
Nashville, TN 37201-3300

on this the 2nd day of July, 2003.



Henry Walker